

ORIGINAL

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

T00-0064

STIPULATED AGREEMENT

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission, hereinafter referred to as the "Commission", Norfolk Southern Railway Company, hereinafter referred to as the "Company", the City of Chicago, hereinafter referred to as the "City", and the State of Illinois, Department of Transportation, hereinafter referred to as the "Department".

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through written correspondence that inquiry should be made into the matter of improving public safety at the highway underpass ("subway") structure carrying the Company's track over Wallace Avenue located in the City of Chicago, Cook County, Illinois, designated as crossing DOT 243 163F, milepost 5.50CRIM; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and all other pertinent data relating to the subway structure have been obtained and shown on Exhibit A, attached to the agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and Orders and procedures in general.

Section 2 The parties are of the opinion that the proper improvements in the interest of public safety at the aforesaid rail/highway subway structure should be:

- a) the lowering of the pavement under the subway structure at Wallace Avenue to increase the vertical clearance from the existing 12'8" to a minimum of 14'6" , including the replacement of a 60" storm sewer and drainage structures, and construction of center pier crash protection.

DOCKETED

Section 3 The City has prepared a preliminary estimate of cost to accomplish the proposed improvements which it may be required to perform, said estimate is attached as Exhibit B, and shall upon Order according to the requirements contained therein prepare detailed drawings, estimates of cost and any required specifications for the proposed improvements for the approval of the Commission and Department.

Section 4 The City shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the submission of plans should be one hundred twenty (120) days and for the completion of the proposed improvements should be twenty four (24) months, from the date of Commission Order subsequent to this agreement. The time schedule for the submission of progress reports from the City is contained in Section 7 herein.

Section 5 The parties hereto agree that an equitable division of cost for the proposed improvements should be:

- a) the cost for the improvements, estimated to be \$1,961,524, should be divided 60% in an amount not to exceed \$1,176,914 to the Grade Crossing Protection Fund, with all remaining cost being borne by the City. (Note: the cost for the electrical street light work, estimated to be \$89,051, is not an eligible cost for fund reimbursement and this amount has been deleted from the estimate of cost.)
- b) future maintenance costs of the structure and the pavement shall be divided in the same manner as for the existing subway structure and roadway.

Section 6 The City is financially able and willing to bear an equitable portion of the cost for the proposed improvements as may be assigned by the Order and indicates this intent by Resolution attached as Exhibit C.

Section 7 Special Provisions. In view of the fact that federal funding may be utilized for the structure and roadway improvements, all such work shall be governed by applicable provisions of Title 23, Chapter I, Subchapter G, Part 646 of the Federal-Aid Policy Guide adopted December 9, 1991.

Since the structure improvements will be performed by the City and/or its contractor, contractor insurance and railroad liability insurance will be required as specified in Illinois Department of Transportation "Standards and Specifications for Road and Bridge Construction" Section 107.

All bills for expenditures authorized to be reimbursed from the Grade Crossing Protection Fund shall be submitted to the District 1 Office of the Illinois Department of Transportation, Bureau of Local Roads and Streets, 201 West Center Court, Schaumburg, Illinois, 60196-1096. A copy of each bill shall be submitted to the Director

of Processing and Information, Transportation Division of the Commission. The final bill shall be clearly marked "Final bill." All bills shall be submitted no later than thirty six (36) months from the date of the Commission Order subsequent to this agreement. The Department shall, at the end of the 36th month from the date of the Commission's Order date, de-obligate all residual funds accountable for reimbursable cost for this project.

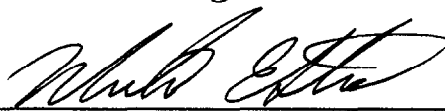
The City shall within ninety (90) days of the date of Commission's Order subsequent to this agreement, submit to the Director of Processing and Information, Transportation Division of the Commission, the name, title, mailing address, phone number, and facsimile number of the project manager.

The City shall file a written report wit the Director of Processing and Information, Transportation Division of the Commission, within fifteen (15) days or the conclusion of each calendar quarter, stating the status of expenditures and percentage of completion of the pavement lowering project; if the project is behind schedule, the report must include a brief explanation of the reason(s) for the delay.

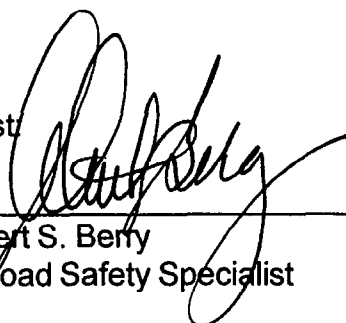
Section 8 This agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this agreement by all parties, the Commission shall enter an appropriate Order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

In Witness Whereof, the parties have caused this agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this 8th day of May, 2000.



Michael E. Stead
Rail Safety Program Administrator



Attest 

Robert S. Berry
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 917 concerning improvements at highway underpass structure carrying the tracks of the Norfolk Southern Railway Company over a public highway known as Wallace Avenue at 4000 South located in the City of Chicago, Cook County, Illinois, designated as crossing AAR/DOT 243 163F, milepost ~~5.50 CRIM~~
UW-0.25.

Executed by the Company this _____ day of _____, 2000.

NORFOLK SOUTHERN RAILWAY COMPANY

By: 
General Manager  D.A. Brown

Attest:


Assistant Corporate Secretary

Illinois Commerce Commission Stipulated Agreement No. 917 concerning improvements at highway underpass structure carrying the tracks of the Norfolk Southern Railway Company over a public highway known as Wallace Avenue at 4000 South located in the City of Chicago, Cook County, Illinois, designated as crossing AAR/DOT 243 163F, milepost 5.50 CRIM.

Executed by the City of Chicago this 31st day of May, 2000.

THE CITY OF CHICAGO

By:  ch

Attest:



Illinois Commerce Commission Stipulated Agreement No. 917 concerning improvements at highway underpass structure carrying the tracks of the Norfolk Southern Railway Company over a public highway known as Wallace Avenue at 4000 South located in the City of Chicago, Cook County, Illinois, designated as crossing AAR/DOT 243 163F, milepost 5.50 CRIM.

Executed by the Department this 7TH day of JULY, 2000.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By: James C. Slifman
Director of Highways

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

STIPULATED AGREEMENT SURVEY FORM

EXISTING
HIGHWAY UNDER RAILROAD

GENERAL INFORMATION:

RR/LINE Norfolk Southern MILEPOST 5.50 CRIM INVENTORY NO. 243 163F
CITY Chicago STREET Wallace Avenue @ 4000 South COUNTY Cook
ROADWAY JURISDICTION City URBAN X RURAL COMMERCIAL X RESIDENTIAL X
APPROACH SURFACE Bituminous WIDTH 66' F- F* CONDITION Fair
ADT 2,500 SPEED 30 mph STATEWIDE Yes
SCHOOL BUSES Yes HAZ MAT OTHER
NUMBER AND TYPE OF TRACKS 3 MAIN OTHER

* includes sidewalks on both sides of subway.

STRUCTURE INFORMATION:

STRUCTURE NO. 0.25 ANGLE 90° CONDITION Good
PRESENT STRUCTURE TYPE Concrete

NUMBER AND LENGTHS OF SPANS 1 span, 66'
DECK WIDTH 66' ROADWAY WIDTH 41'10"
WALKWAYS sidewalks both sides WEARING SURFACE Bituminous Concrete
VERTICAL UNDERCLEARANCE 12'8"

COMMENTS: Pavement is to be lowered under the structure to increase the vertical
clearance from the existing 12'8" a new vertical clearance of 14'6".

Approach grades North: 4.41%
South 4.53%